

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

INA STEINER, DAVID STEINER, and
STEINER ASSOCIATES, LLC,

Plaintiffs,

V.

EBAY INC., et al.,

Defendants.

Civil Action No. 21-CV-11181-DPW

**UNOPPOSED MOTION OF STEVE WYMER TO EXTEND DEADLINE TO FILE
REPLY IN SUPPORT OF MOTION TO DISMISS TO JUNE 24, 2022
AND TO INCREASE PAGE LIMIT BY FIVE PAGES**

Defendant Steve Wymer (“Mr. Wymer”) hereby files this motion to extend the deadline for filing his previously authorized reply brief in support of his motion to dismiss by 18 days, to June 24, 2022, and to increase the permitted length of that brief by 5 pages, to not more than 20 pages. As grounds for this motion, Mr. Wymer states as follows:

1. On October 21, 2021, Mr. Wymer filed a motion seeking, *inter alia*, leave to file a reply brief in support of his motion to dismiss not to exceed 15 pages, with that reply to be filed not more than 14 days following the filing of Plaintiffs’ opposition to Mr. Wymer’s motion to dismiss. Dkt. No. 66. On October 22, 2021, the Court granted Mr. Wymer’s motion (“October 22, 2021 Order”). Dkt. No. 68.

2. On October 29, 2021, Mr. Wymer filed his motion to dismiss Plaintiffs' Complaint. Dkt. No. 83. Between October and December 2021, other defendants in this matter filed their motions to dismiss; Defendant Harville filed an answer. Dkt. Nos. 79, 80, 88, 89, 93, 98, 101, 102, 106.

3. On November 15, 2021, the Court granted Plaintiffs' motion (Dkt. No. 96) to file a consolidated opposition brief to respond to the various defendants' motions to dismiss and an extension of the deadline to file the opposition to January 31, 2022. Dkt. No. 100.

4. On January 29, 2022, Plaintiffs and Defendant eBay Inc. ("eBay") jointly moved to stay proceedings in this action for 90 days in order to allow Plaintiffs and eBay time to engage in mediation to try to resolve the matter. Dkt. Nos. 108. On February 7, 2022, the Court granted Plaintiffs and eBay's joint motion to stay proceedings for 90 days (until May 8, 2022) and ordered the parties to file a status report no later than May 16, 2022. Dkt. No. 112.

5. On May 7, 2022, Plaintiffs filed a motion to extend the deadline to file their consolidated opposition by two weeks to May 23, 2022. Dkt. No. 113. On May 9, 2022, the Court granted Plaintiffs' motion. Dkt. No. 114.

6. On May 16, 2022, Plaintiffs and eBay filed a joint status report stating that Plaintiffs and eBay engaged in mediation but did not reach an agreement resolving the matter. Dkt. No. 115. Mr. Wymer did not participate in the mediation between Plaintiffs and eBay.

7. On May 23, 2022, nearly seven months after Mr. Wymer filed his motion to dismiss, Plaintiffs filed their consolidated opposition. Dkt. No. 117. Plaintiffs' opposition is 83 pages and attaches a 547-page "Appendix" containing materials not previously attached to the Complaint. Dkt. Nos. 117, 117-1.

8. The current deadline for Mr. Wymer to file his reply pursuant to the October 22, 2021 Order is June 6, 2022. Mr. Wymer requests an additional 18 days (until June 24, 2022) to file his reply brief. In support, Mr. Wymer states that he needs the additional time to assess and prepare a response to plaintiffs' lengthy 83-page opposition and attached 547-page "Appendix." *See* Dkt. Nos. 117, 117-1.

9. Further, given the substantial length and breadth of the opposition, Mr. Wymer requests 5 additional pages (to the previously authorized 15 pages) for his reply. Mr. Wymer seeks to file a reply no more than 20 pages in order to fully address issues raised in the voluminous opposition.

WHEREFORE, Mr. Wymer respectfully requests that the deadline for filing his reply in support of his motion to dismiss be extended to June 24, 2022 and that he be permitted to file a reply not to exceed 20 pages.

Dated: May 27, 2022

Respectfully submitted,

STEVE WYMER,

By his attorneys,

/s/ Caz Hashemi

Caz Hashemi (*pro hac vice*)

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Counsel for Mr. Wymer

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Michael J. Pineault, counsel for Mr. Wymer, hereby certify that, in accordance with Local Rule 7.1(a)(2), counsel for Mr. Wymer has conferred with counsel for Plaintiffs, who does not oppose the extra time or the extra pages sought by this motion.

Dated: May 27, 2022

/s/ Michael J. Pineault

Michael J. Pineault

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2022, this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

Dated: May 27, 2022

/s/ Michael J. Pineault

Michael J. Pineault